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SENATE BILL 482

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING A SECTION OF CHAPTER  
31 NMSA 1978 TO PROVIDE FOR COUNTIES TO REQUIRE DEFENDANTS TO  
PAY THE ACTUAL COSTS OF THEIR PROBATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-20-5.1 NMSA 1978 (being Laws 2000,  
Chapter 49, Section 1) is amended to read:

"31-20-5.1. MISDEMEANOR COMPLIANCE PROGRAMS--COUNTIES MAY  
ESTABLISH--FEES.--

A. A county may create a "misdemeanor compliance  
program" to monitor defendants' compliance with the conditions  
of probation imposed by a district or magistrate court. The  
program shall be limited to participation by persons who have  
been convicted of a misdemeanor criminal offense specified in  
the Criminal Code, convicted of driving while under the

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1 influence of intoxicating liquor or drugs or convicted of  
2 driving while the person's driver's license is suspended or  
3 revoked pursuant to the Motor Vehicle Code. A county's program  
4 shall comply with guidelines established by the administrative  
5 office of the courts.

6 B. As a condition of probation, ~~[the district or~~  
7 ~~magistrate court may require the defendant to pay a fee of not~~  
8 ~~less than fifteen dollars (\$15.00) nor more than thirty dollars~~  
9 ~~(\$30.00) per month to the county for the term of his probation]~~  
10 the defendant upon conviction shall be required to pay the  
11 actual costs of the defendant's supervised probation service to  
12 the local county misdemeanor compliance program not exceeding  
13 one thousand eight hundred dollars (\$1,800) annually to be paid  
14 in monthly installments of not less than twenty-five dollars  
15 (\$25.00) and not more than one hundred fifty dollars (\$150),  
16 pursuant to policy set by the local county commission.  
17 Community service may be completed in lieu of monthly  
18 installments at the current federal minimum wage rate. The  
19 defendant's payment of the supervised probation costs shall not  
20 be waived unless the court holds an evidentiary hearing and  
21 finds that the defendant is unable to pay the costs. If the  
22 court waives the defendant's payment of the supervised  
23 probation costs and the defendant's financial circumstances  
24 subsequently change so that the defendant is able to pay the  
25 costs, the appropriate supervisor of the adult probation and

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1 parole division of the corrections department shall advise the  
2 court, and the court shall hold an evidentiary hearing to  
3 determine whether the waiver should be rescinded. Money  
4 collected by the county pursuant to this subsection shall be  
5 used only to operate the misdemeanor compliance program."

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